

# House File 549 - Introduced

HOUSE FILE \_\_\_\_\_  
BY KAUFMANN, S. OLSON, SANDS,  
SCHUELLER, and REICHERT

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act establishing two judicial election districts within the  
2 seventh judicial district.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1393HH 83  
5 jm/rj/5

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1 1 Section 1. Section 602.6107, subsection 3, Code 2009, is  
1 2 amended to read as follows:  
1 3 3. The composition of the judicial districts in section  
1 4 602.6107, Code 2003, and judicial election districts in  
1 5 section 602.6109, Code 2003, shall remain in effect until a  
1 6 new division of the state into judicial districts and judicial  
1 7 election districts is enacted. However, beginning January 1,  
1 8 2010, the seventh district in section 602.6107, Code 2003,  
1 9 shall be divided into two election districts as provided in  
1 10 section 602.6109.

1 11 Sec. 2. Section 602.6109, Code 2009, is amended by adding  
1 12 the following new subsection:  
1 13 NEW SUBSECTION. 3. Beginning January 1, 2010, until a new  
1 14 division of the state into judicial districts and judicial  
1 15 election districts is enacted pursuant to the procedures in  
1 16 section 602.6107, the seventh district shall be divided into  
1 17 the following election districts:

1 18 a. Election district 7A shall consist of Scott county.

1 19 b. Election district 7B shall consist of the counties of  
1 20 Cedar, Clinton, Jackson, and Muscatine.

1 21 Sec. 3. NEW SECTION. 602.11110A JUDGESHIPS FOR ELECTION  
1 22 DISTRICTS 7A AND 7B.

1 23 As soon as practicable after January 1, 2010, the state  
1 24 court administrator shall compute the number of judgeships to  
1 25 which judicial election districts 7A and 7B are entitled  
1 26 pursuant to section 602.6201, subsection 3. Notwithstanding  
1 27 section 602.6201, subsection 2, the eleven incumbent district  
1 28 judges in judicial district 7 on December 31, 2009, may reside  
1 29 in either judicial election district 7A or 7B beginning  
1 30 January 1, 2010. However, the state court administrator shall  
1 31 first apportion to judicial election district 7A those  
1 32 incumbent district judges who were appointed to replace  
1 33 district judges residing in Scott county or who were appointed  
1 34 to fill newly created judgeships while residing in Scott  
1 35 county. The incumbent district judges residing in Scott  
2 1 county on January 1, 2010, who are not so apportioned to  
2 2 judicial election district 7A shall be apportioned to judicial  
2 3 election district 7B but shall be reapportioned to judicial  
2 4 election district 7A, in the order of their seniority as  
2 5 district judges, as soon as the first vacancies occur in  
2 6 judicial election district 7A due to death, resignation,  
2 7 retirement, removal, or failure of retention. Such a  
2 8 reapportionment constitutes a vacancy in judicial election  
2 9 district 7B for purposes of section 602.6201, unless the  
2 10 computed number of judgeships is less than the number of  
2 11 judgeships apportioned to election district 7B.  
2 12 Notwithstanding section 602.6201, subsection 2, the eleven  
2 13 incumbent district judges in judicial election district 7A or  
2 14 7B on December 31, 2009, shall stand for retention in the  
2 15 judicial election district to which the district judges are  
2 16 apportioned or reapportioned under this section, until such  
2 17 time an incumbent district judge is no longer is apportioned  
2 18 to a judicial election district other than the judicial  
2 19 election where the incumbent district judge resides.

2 20 Commencing on January 1, 2010, vacancies within judicial  
2 21 election districts 7A and 7B shall be determined and filled  
2 22 under section 602.6201.  
2 23 Sec. 4. NEW SECTION. 602.11111A JUDICIAL NOMINATING  
2 24 COMMISSIONS FOR ELECTION DISTRICTS 7A AND 7B.  
2 25 1. The membership of district judicial nominating  
2 26 commissions for judicial election districts 7A and 7B shall be  
2 27 as provided in chapter 46 except as provided in subsection 2:  
2 28 2. Those judicial nominating commissioners of judicial  
2 29 election district 7 who are residents of Scott county shall be  
2 30 disqualified from serving in election district 7B on January  
2 31 1, 2010, and those judicial nominating commissioners of  
2 32 judicial election district 7 who are not residents of Scott  
2 33 county shall be disqualified from serving in election district  
2 34 7A on January 1, 2010. The vacancies thus created shall be  
2 35 filled as provided in section 46.5 for the remainder of the  
3 1 unexpired terms.

#### 3 2 EXPLANATION

3 3 This bill establishes two judicial election districts  
3 4 within the seventh judicial district.  
3 5 Effective January 1, 2010, the bill creates judicial  
3 6 election district 7A which consists of Scott county and  
3 7 judicial election district 7B which consists of Cedar,  
3 8 Clinton, Jackson, and Muscatine counties. Currently, the  
3 9 seventh judicial district consists of Cedar, Clinton, Jackson,  
3 10 Muscatine, and Scott counties. The current judicial districts  
3 11 may be found in Code section 602.6107, Code 2003, and the  
3 12 current judicial election districts may be found in Code  
3 13 section 602.6109, Code 2003.  
3 14 The bill modifies the nomination, appointment, and  
3 15 retention of a district judge within the seventh judicial  
3 16 district, by establishing two judicial election districts  
3 17 within the seventh judicial district.  
3 18 Under the bill and in current law, a district judge shall  
3 19 reside within the judicial election district in order to be  
3 20 nominated, appointed, and retained. If a judicial district  
3 21 does not contain a judicial election district, a judge may  
3 22 reside at any location within the judicial district.  
3 23 The bill provides that the current 11 incumbent district  
3 24 judges of the seventh district may reside in either judicial  
3 25 election district 7A or 7B beginning January 1, 2010. The  
3 26 bill requires that after computation of the number of  
3 27 judgeships to which each judicial district is entitled, an  
3 28 incumbent district judge in judicial election district 7A or  
3 29 7B, shall be apportioned to the judicial election district of  
3 30 the judge's residency. The bill requires the state court  
3 31 administrator to apportion to first judicial election district  
3 32 7A those incumbent district judges who were appointed to  
3 33 replace district judges residing in Scott county or who were  
3 34 appointed to fill newly created judgeships while residing in  
3 35 Scott county. Under the bill, the incumbent district judges  
4 1 residing in Scott county on January 1, 2010, who are not so  
4 2 apportioned to judicial election district 7A shall be  
4 3 apportioned to judicial election district 7B but shall be  
4 4 reapportioned to judicial election district 7A, in the order  
4 5 of their seniority as district judges, as soon as the first  
4 6 vacancies occur in judicial election district 7A due to death,  
4 7 resignation, retirement, removal, or failure of retention.  
4 8 Such a reapportionment constitutes a vacancy in judicial  
4 9 election district 7B for purposes of Code section 602.6201,  
4 10 unless the computed number of judgeships is less than the  
4 11 number of judgeships apportioned to election district 7B. The  
4 12 bill provides the 11 incumbent district judges in judicial  
4 13 election district 7A or 7B on December 31, 2009, shall stand  
4 14 for retention in the judicial election district to which the  
4 15 district judges are apportioned or reapportioned.  
4 16 The bill also modifies the judicial nominating commission  
4 17 for the seventh judicial district. A judicial nominating  
4 18 commission nominates persons to the governor for appointment  
4 19 to the district court. A judicial nominating commission  
4 20 consists of five members appointed by the governor, five  
4 21 members elected by the attorneys of the judicial election  
4 22 district, and the longest serving district judge within the  
4 23 judicial election district.  
4 24 The bill prohibits judicial nominating commissioners of  
4 25 judicial election district 7 who are residents of Scott county  
4 26 from serving in election district 7B and those judicial  
4 27 nominating commissioners of judicial election district 7 who  
4 28 are not residents of Scott county are prohibited from serving  
4 29 in election district 7A. The vacancies thus created by the  
4 30 bill shall be filled as provided in Code section 46.5 for the

4 31 remainder of the unexpired terms.  
4 32 LSB 1393HH 83  
4 33 jm/rj/5